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ABSTRACT

This report discusses a House of Representatives bill (H.R. 2435) to establish a National Council on Education Standards and Testing. The bill's title and purpose, and the congressional findings behind it are outlined first, followed by a summary of provisions concerning the Council's establishment, duties, reports, membership, director and staff, engagement of experts and consultants, powers, financing, and termination. The remainder of the report describes these provisions in a more detailed narrative form. It is explained that the Council shall provide advice to the Congress, Secretary of Education, National Education Goals Panel, and American public on the desirability and feasibility of national standards and testing in education. The Committee action, background and need for the legislation, and each of the Act's provisions are explained, and the committee's approval, an oversight statement, an inflationary impact statement, oversight findings and recommendations of the Committee on Government Operations, and cost of the legislation are recorded. The report concludes with a brief section-by-section analysis of the bill's 11 sections. (RLC)

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102D CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
102-104

ED335403

NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING ACT

JUNE 10, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 2435]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2435) to establish a National Council on Education Standards and Testing, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Council on Education Standards and Testing Act".

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to create a national council to provide advice on the feasibility and desirability of national standards and testing in education.

(b) FINDINGS.—The Congress finds that—

(1) organizations have begun developing national education standards for various subject areas and grade levels;

(2) groups have called for the expansion of national testing for school children;

(3) decisions regarding the desirability and feasibility of additional national testing should follow such decisions on national standards for education;

(4) efforts regarding national standards and testing should be undertaken with the broadest possible participation by the public; and

(5) a major national council is needed to assure broad participation by the public, to provide a focus for national debate on national education standards and testing, and to provide advice on the feasibility and desirability of developing national standards and testing.

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SEC. 3. ESTABLISHMENT.

There is established a council to be known as the National Council on Education Standards and Testing (in this Act referred to as the "Council").

SEC. 4. DUTIES.

The Council shall advise the American people on—

(1) whether suitable specific education standards can be established such as world class standards, for—

(A) the knowledge and skills that students should possess and that schools should impart in order that American students leave grades 4, 8, and 12 demonstrating competency in challenging subject matter including English, mathematics, science, history, and geography; and

(B) every school in American to ensure that all students learn to use their minds well so that they will be prepared for responsible citizenship, further learning, and productive employment in our modern economy; and

(2) whether, while respecting State and local control of education, an appropriate system of voluntary national tests or examinations can be established, such as American achievement tests, that will provide prompt, accurate information to parents, educators, and policymakers on the progress being made toward the specific education standards by individual students, schools, school systems, States, and the Nation as a whole (if such standards can be established). The goal of any such system shall be to foster good teaching and learning, as well as to monitor performance.

SEC. 5. REPORTS.

(a) FINAL REPORT.—The Council shall, as soon as possible, but not later than December 31, 1991, submit a report to the Secretary of Education, Congress, and the National Education Goals Panel that contains recommendations regarding long-term policies, structures, mechanism, and other important considerations with respect to the objectives described in paragraphs (1) and (2) of section 4. A discussion of the validity, reliability, fairness, and costs of implementing a system of voluntary national tests or examinations shall also be included in such report.

(b) INTERIM REPORTS.—The Council may submit to the Secretary of Education, Congress, and the National Education Goals Panel interim reports it considers appropriate.

SEC. 6. MEMBERSHIP.

(a) IN GENERAL.—The Council shall be composed of 32 members as follows:

(1) The Secretary of Education shall appoint 22 members to include representatives from at least one of each of the following:

(A) The Administration.

(B) The Commission on Achievement of Necessary Skills.

(C) The National Assessment Governing Board.

(D) State legislators

(E) Chief State school officers.

(F) School administrators.

(G) Elementary or secondary school teachers.

(H) Institutions of higher education.

(I) Individuals with expertise in educational standards and testing.

(J) National teacher organizations.

(2) The Chairperson or a designee of the National Education Goals Panel.

(3) The Governor designated to serve as Chairperson of the National Education Goals Panel for the year succeeding the year in which such panel is meeting (or a designee).

(4) The Speaker of the House of Representatives shall appoint 1 member (excluding members of Congress).

(5) The minority leader of the House of Representatives shall appoint 1 member (excluding members of Congress).

(6) The majority leader of the Senate shall appoint 1 member (excluding members of Congress).

(7) The minority leader of the Senate shall appoint 1 member (excluding members of Congress).

(8) The Chairman of the Committee on Education and Labor of the House or a designee.

(9) The ranking minority member of the Committee on Education and Labor of the House or a designee.

(10) The Chairman of the Committee on Labor and Human Resources of the Senate or a designee.

(11) The ranking minority member of the Committee on Labor and Human Resources of the Senate or a designee.

(b) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(c) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Council.

(d) QUORUM.—17 members of the Council shall constitute a quorum.

(e) COCHAIRPERSONS.—The Chairperson or a designee of the National Education Goals Panel and the Governor designated to serve as the Chairperson for the year succeeding the year in which the panel is meeting (or a designee) shall serve as cochairperson of the Council upon the date of the enactment of this Act.

(f) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Council shall each be reimbursed at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Council.

(2) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States shall receive no additional compensation by reason of their service on the Council.

SEC. 7. DIRECTOR AND STAFF; EXPERT AND CONSULTANTS.

(a) DIRECTOR.—The cochairpersons of the Council shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director to be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The cochairpersons may appoint personnel as they consider appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Council shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Council to assist the Council in its duties under this Act.

SEC. 8. POWERS OF COUNCIL.

(a) HEARINGS.—The Council may, for the purpose of this Act, hold hearings, sit and act at the times and places, take testimony, and receive evidence, the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before it.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Council may, if authorized by the Council, take any action the Council is authorized to take by this section.

(c) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish the information to the Council to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) SUPPORT SERVICES.—The Secretary of Education shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

SEC. 9. FEDERAL ADVISORY COMMITTEE ACT.

Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections of such Act that shall apply with respect to the Council.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 to carry out this Act which shall remain available until expended or until the termination of the Council, whichever occurs first.

SEC. 11. TERMINATION.

The Council will cease to exist 90 days after submitting its final report.

I. Introduction

In reporting H.R. 2435, the Committee proposes to authorize appropriations to create a National Council on Education Standards and Testing which shall provide advice on the desirability and feasibility of national standards and testing in education.

II. Committee Action

On March 14, 1991, the Subcommittee on Elementary, Secondary, and Vocational Education held a hearing on "National Testing: Pros and Cons" in Washington, D.C. Witnesses testifying at the hearing included: the Honorable Roy Romer, Chair, National Education Goals Panel; the Honorable William E. Brock, Chairman, Secretary's Commission on the Achievement of Necessary Skills; Dr. Gregory R. Anrig, President, Educational Testing Service; Dr. Trevor Sewell, Acting Dean, College of Education, Temple University; Dr. Saul Cooperman, President, Educate America; Dr. Monty Neill, Associate Director, Fair Test; Dr. Karl V. Hertz, Superintendent, Mequon-Thiensville School District; Dr. E.W. Kelley, Professor of American Government, Cornell University; and Mr. Gordon M. Ambach, Executive Director, Council of Chief State School Officers.

On May 22, 1991, Mr. Kildee for himself and Mr. Ford of Michigan introduced H.R. 2435, which was referred to the Committee on Education and Labor.

The Subcommittee on Elementary, Secondary, and Vocational Education, on May 30, 1991, considered and ordered H.R. 2435 reported to the full Committee on Education and Labor. On June 5, 1991, the bill was considered, amended, and ordered reported by the Committee by a roll call vote of 36 to 0.

III. Background and Need for Legislation

The issues of national education standards and testing have captured an increasing amount of national attention. At a time when concern over the quality of American public education has reached an all-time high, education standards and testing are seen by some groups as the critical remedy in improving our schools. Specifically, the Commission on the Skills of the American Workforce, the Secretary's Commission on the Achievement of Necessary Skills, the President's Education Policy Advisory Committee, the National Assessment Governing Board, and a private organization, Educate America, have promoted the development of national education standards (i.e., consensus statements of what children at various grade levels are expected to know in certain subject areas) as well as national examinations or tests which more strongly emphasize performance-based assessment.

On March 14, 1991, the Subcommittee on Elementary, Secondary, and Vocational Education held an oversight hearing entitled, "National Testing: Pros and Cons." This hearing explored some of the major standards and testing proposals and featured discussions of associated issues by a variety of experts. Additionally, the Subcommittee has monitored the activities of the Department of Education and groups involved in these issues. Finally, the Subcommit-

tee reviewed available materials on standards and assessment generally and on the various specific proposals.

The Subcommittee's findings, delineated in section 2 of the bill, recognize: that organizations have begun the development of national education standards; that some groups have called for the expansion of testing for school children; that decisions regarding the desirability and feasibility of national education standards should precede similar decisions regarding additional national testing; that efforts to develop any such national standards and testing should be undertaken with the broadest possible participation of the public; and that a national council is necessary to provide a focus so that Congress, the Secretary of Education, the National Education Goals Panel, and the American public can be properly advised on the desirability and feasibility of moving forward in these areas.

Finally, decisions regarding national education standards and testing must involve the Congress and should be reached through statutorily authorized processes.

IV. Explanation of H.R. 2435

Purpose

The purpose of H.R. 2435 is to establish a National Council on Education Standards and Testing to provide advice to the Congress, the Secretary of Education, the National Education Goals Panel, and the American people on the desirability and feasibility of national standards and testing in education.

Duties of the Council

Section 4 describes the duties of the Council, which are to provide advice on (1) whether suitable specific education standards should and can be established, and (2) whether, while respecting state and local control of education, and appropriate system of voluntary national tests or examinations should and can be established. It is the intent of the Committee that the Council address each of these issues in terms of its desirability and feasiblity consistent with the bill's stated purpose (see section 2(a) of the bill).

In proposing the establishment of a National Council on Education Standards and Testing, the Committee in no way endorses the proposition that national education standards or a system of national examinations are either desirable or feasible. It is the purpose of the Council to examine a broad range of considerations with regard to these two issues and report their findings and recommendations to the Congress, the Secretary of Education and the National Education Goals Panel. As this process continues, it should be clearer what further action, if any, the Congress ought to take in this area.

While the following is by no means an exhaustive discussion of the issues associated with the desirability and feasibility of national education standards and a system of national examinations, it does reflect some of the central concerns and considerations that have been brought to the Committee's attention.

Desirability

The Council should consider a wide range of factors when determining whether national education standards and a national test or a system of national examinations is desirable. These factors include, but are not limited to:

1. whether the purposes of a system of national examinations (accountability vs. instructional improvement) should be identified prior to a discussion of feasibility;
2. what the benefits and liabilities are of imposing uniform national standards, a national test, or a system of national examinations on an education system where curriculum is traditionally controlled at the state and local level;
3. whether there is any evidence that national education standards and a national test or system of national examinations promotes improvements in educational achievement or in the ability of teachers to perform their jobs;
4. whether rigorous national standards and/or examinations are necessary to raise student achievement levels to equal or exceed those of other developed nations;
5. whether uniform national standards are appropriate when there are wide variations in the resources available to school systems, both within and across states;
6. whether national standards or tests should be coordinated with or build upon existing state testing;
7. whether support that would provide educationally disadvantaged children, handicapped children, and children with limited English proficiency the opportunity to succeed should be a part of any effort to implement national education standards and a system of national examinations; and
8. whether national tests or examinations that are intended for instructional improvement or for school accountability can be used for unitended purposes (e.g., sorting and tracking of students).

Feasibility

Should the Council decide to recommend that standards and national tests or a system of national examination is desirable, then it should proceed to consider whether these are also feasible. In this regard, there are a number of issues for the Council to consider.

According to testimony before the Committee, standards must clearly describe what children at given ages are expected to know in certain subjects. A major feasibility consideration is whether consensus is possible or likely on particular sets of standards and, if so, whether it can be developed within a given time frame. Related to this is the question of how to develop an open process wherein all interested participants, including teachers, have the opportunity to be heard at all stages of the development process. The process used by the National Council of Teachers of Mathematics is one example.

Another issue is whether, given the wide variations in the levels of student performance across the country in English, mathematics, science, history, and geography, it is feasible to develop educa-

tion standards which challenge all children to do their best without penalizing those with lesser educational opportunity.

A third issue is whether is it feasible to develop a national test or system of national examinations that preserves the prerogatives of states, schools, teachers, and parents in making important decisions in the areas of curriculum and educational programs.

The Committee encourages the Council to pay close attention to these concerns and considerations, and to solicit input from teachers, education administrators, school board members, parents, and research, evaluation, subject matter, and testing experts relative to other feasibility issues.

The Council is also required in section 4 to assess whether it is feasible to establish an appropriate system of voluntary national tests or examinations. The Committee wishes to emphasize that this section of the ball also includes the language, "while respecting State and local control of education." This reflects a major concern voiced by witnesses at the hearing on national testing. Thus, in making recommendations regarding the feasibility of a system of national tests or examinations, it is incumbent upon the Council to pay close attention to the effect that such a system would have on state and local educational priorities, curricula, assessment, programs, and practice.

At a minimum, the Council is required to assess the feasiblity of an appropriate system of national tests or examinations in the context of four factors—validity, reliability, fairness, and cost. The Committee's intent is that such a system of tests, if it cannot pass muster on each and every one of these factors would not be "appropriate."

Validity (i.e., the extent to which a test measures what it is intended to measure) and reliability (i.e., the extent to which a test is dependable, stable, and consistent when administered to the same individuals on different occasions) are recognized as fundamental factors in the evaluation of any test in the "Standard for Educational and Psychological Testing," developed by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

The fairness (i.e., an absence of bias for or against any racial, ethnic, economic, linguistic, or gender group) factor comes from concerns raised in testimony that tests by their design or use may not provide all groups of students with an equal opportunity for success. This issue is especially important here because at least several of the proposals for national tests or systems of national examinations call for much more extensive use of performance-based test items, and information provided to the Committee indicates that the research on some types of performance based assessments is sparse—especially with regard to standardization of the items and their administration and scoring.

The National Education Goals Panel in its objectives for goal three (i.e., by the year 2000, American students will leave school with competency in key academic areas) states that "academic performance for elementary and scondary students will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the student population as a whole." The Committee strongly believes that efforts must be

made to ensure that minority students are given every opportunity to achieve at the same level as the student population as a whole.

To this end, the Committee is particularly concerned about the ability of testing instruments to measure progress toward standards without racial, gender, or socioeconomic bias. Certainly, any national test or system of national examinations that is not bias free will diminish the ability of many students to succeed. For this reason, the Committee expects that determining the desirability and feasibility of national standards and testing will involve the question of whether a basis free national test can be designed.

The factor of cost also comes from testimony before the Committee and has several facets—(i) the cost of developing the tests or examinations, (ii) the cost of their administration, and (iii) and who is expected to pay for all of these costs (i.e., federal government, states, school districts parents, etc.). The Council also is advised to give attention to the issue of indirect costs (e.g., time taken away from instruction for test preparation). To date, the Committee has had little success in obtaining information relative to the direct or indirect costs of the various national test proposals.

As indicated above, these factors are the minimum criteria for evaluating feasibility of a system of national tests or examinations. The Committee expects that the Council will also consider other factors and considerations raised by knowledgable individuals and organizations such as The National Forum on Assessment.

Reports

Section 5 provides that the Council shall submit a final report as rapidly as possible (but not later than December 31, 1991) to the Congress, the Secretary of Education, and the National Education Goals Panel. This report will contain recommendations related to the desirability and feasibility of a system of national education standards and testing, and will include a discussion of the validity, reliability, fairness, and costs of the implementation of such a system.

The report shall also include advice on long-term policies and the implementation of such recommendations and advice. This should include information on what kings of administrative or programmatic structures or mechanisms may be appropriately related to the development and implemenation of national education standards and testing, if deemed desirable and feasible.

This section also provides that the Council may submit to the Congress, the Secretary of Education, and the National Education Goals Panel such interim reports as it considers appropriate.

Appointment of the Council

Recently, the National Education Goals Panel invited people to serve on an interim advisory panel that would examine issues similar to those required by this bill. It is the Committee's understanding that the Council established by H.R. 2435 will supercede that interim panel. As part of the Committee's agreement with the Secretary of Education and the National Education Goals Panel, those previously appointed individuals will serve on the National Council on Standards and Testing. They represent various entities including the Administration, the Secretary of Labor's Commission on

the Achievement of Necessary Skills, the National Assessment Governing Board, state legislators, chief state school officers, school administrators, elementary or secondary school teachers, representatives of institutions of higher education, individuals with expertise in education standards and testing, national teacher organizations, the governor who currently chairs the National Education Goals Panel as well as the governor who is the next designated chair of such panel (or his designee).

Council members will also include: the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives (or their designees); the Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate (or their designees); 2 members appointed by the Speaker and the Minority Leader of the House of Representatives (excluding members of Congress); and 12 members appointed by the Majority and Minority Leaders of the Senate (excluding members of Congress).

The Council has a total of 32 members who are appointed for the life of the Council and is co-chaired by the two governors. This section also provides that 17 members shall constitute a quorum and that members (other than full-time officers and employees of the United States) shall be compensated through reimbursement at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day during which they are engaged in Council business.

Director and Staff

Section 7 of the bill provides that the Council shall have a Director and such staff as it considers appropriate, appointed by the co-chairs of the Council without regard to the cumbersome title 5 appointment requirements. This section also authorizes the Council to procure the services of consultants and expects that the Council will use this authority to invite the assistance and recommendations of technical experts (e.g., psychometricians).

Powers of the Council

Section 8 delineates the powers of the Council including the authority to hold hearings, to delegate authority, secure information from federal agencies, accept gifts and donations, use the U.S. mails in the manner of a federal agency, and receive support services from the Department of Education.

Applicability of FACA

Section 9 provides that with the exception of two provisions, the Federal Advisory Committee Act (FACA) shall not apply with respect to the Council. These exceptions ensure that Council meetings, transcripts, minutes, reports, and other documents will be open for inspection by the public. Because this is a short term Council, the bill exempts it from most of the provisions of FACA, thereby leaving it to comply only with those provisions which require fair notice of meetings and business "in the sunshine."

Authorization of Appropriations and Termination

The bill authorizes an appropriation of $1,000,000 to carry out this Act which shall remain available until expended or until the termination of the Council (i.e., 90 days after submitting its final report), whichever occurs first.

V. Committee Approval

In compliance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the Committee states that on June 5, 1991, a quorum being present, the Committee favorably ordered reported H.R. 2435, with amendment, by a vote of 36 to 0.

VI. Oversight Statement

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings or recommendations of the Subcommittee on Elementary, Secondary, and Vocational Education, established pursuant to clause 2(b)(1) of rule X of the Rules of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the Committee has determined that legislation should be enacted as set forth in H.R. 2435.

VII. Inflationary Impact Statement

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 2435 will have little or no inflationary impact on the prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

VIII. Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendations of the Committee on Government Operations were submitted to the Committee.

IX. Cost of This Legislation

A. CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3) (B) and (C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 10, 1991.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2435, the National Council on Education Standards and Testing Act, as ordered reported by the House Committee on Education and Labor on June 5, 1991.

If you wish further details on this cost estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2435.
2. Bill title: National Council on Education Standards and Testing Act.
3. Bill status: As ordered reported by the House Committee on Education and Labor on June 5, 1991.
4. Bill purpose: This bill authorizes a national council to provide advice on the feasibility and desirability of national standards and testing in education.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996
Authorization	1				
Estimated outlays	1				

The costs of this bill fall in Function 500.

Basis of estimate: H.R. 2435 authorizes appropriations of $1 million for the council to complete a report by December 31, 1991. This report is to contain recommendations regarding the establishment of education standards in the United States. The council is to be terminated 90 days after the completion of this report. CBO assumes that the report will be complete close to the date specified and therefore assumes the council will be in existence only during fiscal year 1992. Estimated outlays assume full appropriation of the authorization.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Because this bill would not affect direct spending or receipts, there are no pay-as-you-go implications.
7. Estimated cost to State and local government: None.
8. Estimate comparison: None.
9. Previous CBO estimate: None.
10. Estimate prepared by: Diane Celuch.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

B. COMMITTEE ESTIMATES

With reference to the statement required by clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

X. SECTION-BY-SECTION ANALYSIS

Section 1 provides that this Act may be cited as the "National Council on Education Standards and Testing Act."

Section 2 provides that the purpose of this Act is to create a national council to provide advice on the desirability and feasibility of national standards and testing in education. This section also delineates congressional findings.

Section 3 establishes the National Council on Education Standards and Testing.

Section 4 provides that the duties of the Council shall be to advise the American people on (i) whether suitable specific education standards should and can be established, and (ii) whether, while respecting state and local control of education, an appropriate system of voluntary national tests or examinations should and can be established.

Section 5 provides that the Council shall, as rapidly as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education and to National Education Goals Panel. This section also provides that the Council may submit such interim reports as it considers appropriate.

Section 6 provides that the Council shall have 32 members and contains specific requirements related to appointment. This section also containes provisions regarding vacancies, terms of appointment, quorums, election of the chairperson, and compensation.

Section 7 provides that the co-chairs of the Council shall appoint a Director and may appoint additional staff. This section also provides that the Council may procure the services of experts and consultants, and may request a federal department or agency to detail personnel to the Council.

Section 8 delineates the powers of the Council including the holding of hearings, delegation of authority, securing of information from federal agencies, ability to accept gifts and donations, authority to use the U.S. mails, and ability to receive support services from the Department of Education.

Section 9 provides that only selected sections of the Federal Advisory Committee Act shall apply with respect to the Council.

Section 10 authorizes to be appropriated $1,000,000 to carry out this Act.

Section 11 provides that the Council will cease to exist 90 days after submitting its final report.

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